

Application No. 10/566483  
Response to the Office Action dated October 14, 2008

### **REMARKS**

Favorable reconsideration of this application is requested in view of the following remarks.

Claim 1 has been amended to include the limitations of claim 3. Accordingly, claim 3 has been canceled without prejudice. Claims 7, 13, 20, 31, and 43 have been amended to revise the lower limit as supported by the specification at page 48, lines 19-21 (this refers to the substitute specification filed on January 30, 2006; the same is true hereinafter.).

Claim 13 has been rejected under 35 U.S.C. 102(b) as being anticipated by Takai et al. (U.S. Patent No. 6,284,362). Applicants respectfully traverse this rejection.

Applicants respectfully request that the Takai reference be listed on a Form 892. Takai discloses an absorbent composition having a diffusion absorption speed of 25 to 65 ml/g for 0.9 % saline (see coln. 17, lines 22-25). Takai's method for measuring the diffusive absorption speed of the absorbent composition is completely different from the method to measure the diffusion absorption amount of claim 13 (see coln. 21, lines 32-56 of Takai, and Figs. 1 and 2 and page 48, lines 25 – page 49, line 21 of the specification). The diffusive absorption speed of Takai is the volume of absorption by the sample, which is placed at the opening of the burette, of 0.9 % saline supplied through a burette for two minutes (see coln. 21, lines 32-56 of Takai). In contrast, the diffusion absorption amount of claim 13 is the volume of saline absorbed by the sample that is placed in a container into which the saline is poured (see Figs. 1 and 2 and page 48, lines 25 – page 49, line 21 of the specification). In addition, as the Declaration of Mr. Masashi DATE shows, none of examples 1-41 of Takai has the property of the diffusion absorption amount between 45 ml and 70 ml as claim 13 requires (see table at page 2 of the Declaration attached hereto). Accordingly, claim 13 is distinguished from Takai, and this rejection should be withdrawn.

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Claims 1-3, 5-6, 11-12, 15-16, 18-19, 24-25, 38-39, 41-42, 47-48, and 50 have been rejected under 35 U.S.C. 102(b) as being anticipated by Jonas et al. (U.S. Patent No.6,395,830). Applicants respectfully traverse this rejection.

Jonas discloses hydrophilic swellable polymers that are coated with hydrophobic polymers and additional reactive constituents, which can react with carboxyl groups and form additional cross-links on the particle surface (see abstract). Jonas further discloses that the reactive constituents are added to form additional cross-linking sites on the particle surface (see coln. 8, lines 11-17), and that the hydrophobic substance and the additional reactive constituents are applied onto the swellable polymer, i.e., the swellable polymer is coated with the hydrophobic substance and the additional reactive constituents (see coln. 8, lines 42-55). Thus, Jonas fails to disclose that the absorbent resin, i.e., the swellable polymer, covers the hydrophobic substance as claim 1 requires. Even if the swellable polymer were considered similar to the crosslinked polymer (A), the reference fails to disclose the absorbent resin particle that includes the crosslinked polymer (A) and covers the hydrophobic substance as claim 1 requires. Further, even if the swellable polymer were considered similar to the hydrophilic polymer (d1) of claim 1 that is covered by the hydrophobic polymer, Jonas fails to disclose the crosslinked polymer (A) that includes a water-soluble monomer in addition to the swellable polymer and the absorbent resin that covers the hydrophobic polymer as claim 1 requires. Thus, Jonas fails to disclose that the hydrophobic substance (C), which coats or impregnates a hydrophilic material (d1) or a hydrophobic material (d2), is contained in the inside of each absorbent resin particle that also includes the crosslinked polymer (A) containing the water-soluble monomer as claim 1 requires, and claim 1 is distinguished from Jonas.

With respect to claim 16, Jonas discloses that the swellable polymer is coated with the hydrophobic polymer and the additional reactive constituents as discussed above. In addition, Jonas discloses that the hydrophobic polymer having functional groups interacts with acid groups or carboxylate groups of the swellable polymers, and thereby provides good spreading and fixed on the surface of the swellable polymers (see coln. 6, lines 19-26). Even if the hydrophobic polymer were considered similar to the connection (RC) of claim 16, the hydrophobic polymer of Jonas is spreading and fixed on

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the swellable polymers and is not included in the swellable polymers. Further, Jonas fails to disclose that the hydrophobic substance (C) is a pulverized film or bead as claim 16 requires (see coln. 13, lines 29-48). Thus, Jonas fails to disclose that the hydrophobic substance (C) is contained inside each of the absorbent resin particle, as claim 16 requires. Accordingly, claim 16 is distinguished from Jonas.

With respect to claim 38, Jonas fails to disclose that the hydrophobic polymers are included in the absorbent resin particles as discussed for claims 1 and 16 above. In addition, Jonas discloses that the swellable polymer is obtained by drying after polymerization of acrylic acid and a crosslinking agent, milling, and screening, i.e., the swellable polymer is in a powder form (see Polymer A at coln. 13, lines 10-24). Thus, Jonas fails to disclose that the swellable polymer, i.e., the absorbent resin particle, is obtained by mixing the hydrogel of the crosslinked polymer (A) including a hydrophilic monomer and the hydrophobic connection (RC). Even if the swellable polymer of Jonas were considered similar to the crosslinked polymer (A) in claim 38, the reference fails to disclose that the hydrogel of the swellable polymer is mixed with the connection (RC) and that the swellable polymer covers the connection (RC) as claim 38 requires but discloses that the hydrophobic polymer covers the swellable polymer as discussed above. Thus, claim 38 is distinguished from Jonas.

Accordingly, claims 1, 16, and 38 are distinguished from the reference, and this rejection should be withdrawn.

Claims 4, 7-10, 14, 17, 20-23, 26-37, 40, 43-46, and 49 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Jonas et al. (U.S. Patent No. 6,395,830). Applicants respectfully traverse this rejection.

Claim 4, 7-10, 14, 17, 20-23, 40, 43-46, and 49 are distinguished from Jonas for at least the same reasons as discussed for claims 1, 16, and 38 above.

With respect to claim 27, the reference discloses the swellable polymer, i.e., Polymer A, has a diameter of 150-850  $\mu\text{m}$  (see coln. 13, lines 203-23). Thus, even if the swellable polymer were considered similar to the hydrophilic material (d1), the reference fails to disclose that the hydrophilic material (d1) has a volume average diameter of 1-

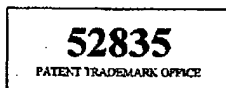
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150  $\mu$ m and further fails that the absorbent resin that covers the hydrophobic substance (C), which coats the hydrophilic material (d1), as claim 27 requires as discussed for claims 1 and 16 above. If the swellable polymer were considered similar to the crosslinked polymer (A), the reference fails to disclose the hydrophobic substance that is covered by the absorbent resin as discussed for claims 1 and 16 above. Thus, claim 27 also is distinguished from Jonas.

Accordingly, claims 1, 16, and 27 are distinguished from Jonas, and this rejection should be withdrawn.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.



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DPM/my/ad

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